

EXPLANATORY MEMORANDUM TO

**THE POLICE AND CRIME COMMISSIONER ELECTIONS
(DECLARATION OF ACCEPTANCE OF OFFICE) ORDER 2012**

2012 No. 2553

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order (“the Order”) prescribes the form of words that the newly elected Police and Crime Commissioners will be required to declare before they take office, following the elections on 15 November 2012.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 Part 1 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for the establishment of a directly elected Police and Crime Commissioner for every police area in England and Wales outside London. Section 70 of that Act provides that a person elected to the office of Police and Crime Commissioner may not act in that office unless the person has made a declaration of acceptance of the office in a form specified by order of the Secretary of State.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**
 - 6.1 As this statutory instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*
 - 7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners (PCCs) in England and Wales by 2012.

7.2 PCCs are established under the provisions the 2011 Act, which also includes provisions governing the conduct of elections for such office.

- ***Consolidation***

7.3 As this is the first exercise of the power in section 70(1)(a), the issue of consolidation does not arise.

8. Consultation outcome

8.1 We have consulted with policing governing bodies on the form of words specified in the Order. As a result of this consultation, some amendments were made with reference to the operational independence of police officers.

9. Guidance

9.1 General guidance for candidates has been issued by the Electoral Commission

10. Impact

10.1 These Regulations do not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be that returning officers will have to take the necessary steps in relation to conducting elections of PCCs, all reasonable costs of which will be met by the Home Office.

10.3 An Impact Assessment was prepared for the 2011 Act.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Under the provisions of the 2011 Act, the Electoral Commission will publish a report on the conduct of the elections held in November 2012. Legislative provisions will be reviewed if necessary at that point in response to the report.

13. Contact

13.1 Hannah Riley or Neil King at the Home Office (tel: 020 7035 4858 or email: PCCElections@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.